

## **REMARKS**

### **Telephone Interview Summary**

Applicant's representative participated in a telephone interview with Examiner Pats on January 12, 2010 at 11:00 AM to discuss the present application. Applicant's representative appreciated the courtesies extended by Examiner Pats during the interview and the opportunity to discuss the application with Examiner Pats. The pending independent claims and prior art were discussed.

Applicant's representative explained that the timing features of the claimed invention distinguish it over the prior art. Applicant's representative noted that the newly cited Rosnow reference refers to timelines and deadlines for completing project tasks but does not relate in any way to the selection of personnel for various job assignments. In this regard, Rosnow is directed to project management rather than personnel selection and is non-analogous prior art. In fact, Rosnow teaches that personnel selections are made in advance of establishing the timelines for the tasks associated with the project. Applicant's representative argued that the project management features of Rosnow, which require selection of personnel in advance of determining deadlines for tasks, cannot support rejection of the claimed candidate selection process.

Applicant's representative further argued that it does not make sense to combine Rosnow's project management timelines/deadlines to the Harvey or Mayer references which involve selecting candidates for vacant positions. In Harvey and Mayer, the candidate selection process begins when a vacancy is determined. Because the

selection process is driven by vacancies, it is impossible to integrate the timelines/deadlines of Rosnow into the candidate selection process.

Finally, Applicant's representative noted that in addition to using a product launch date to drive the candidate selection process, in the claimed invention expatriate assignment specifications are determined *after* an initial candidate pool is created and that candidates, all of whom have completed a portion of the selection process, are selected for specific assignments according to the expatriate assignment specifications (Claim 1(c)(7)). Applicant's representative noted that the prior art selection processes that have been cited against the application involve filling job vacancies and therefore, the candidate selection process begins after the assignment specifications have been determined. No agreement regarding the claims was reached.

### **Claim Rejections – 35 USC § 103**

The Examiner has rejected claims 1, 2, 4-8, 10, 12, and 15-19 under 35 UCS § 103(a) as being unpatentable over Harvey (*The Selection of Managers for Foreign Assignments; A Planning Perspective*, The Columbia Journal of World Business) in view of US Pat. Pub. No. 2001/0034630 (Mayer), further in view of Applicant admitted prior art, and further in view of US Pub. 2003/0106039 (Rosnow).

The Examiner relies on Harvey to teach:

1. identifying a set of candidates from a plurality of associates;
2. administering assessments to candidates;
3. entering assessment data for candidates completing assessments;
4. preparing candidate selection data for comparing assessment data;

5. creating a group of candidates for expatriate assignments by selecting a subset of candidates from the set of candidates;
6. establishing a development plan for each candidate in the group of candidates; and
7. selecting at least one candidate from the group for a specific assignment.

The Examiner relies on Mayer to teach:

1. providing candidates with preview information relevant to a plurality of assignments;
2. entering assessment data in a computer;
3. preparing a summary report pertaining to candidate selection; and
4. a development plan that comprises activities to assists in preparing a candidate for an expatriate assignment.

The Examiner asserts that the limitation of previewing career progression information is considered Applicant's admitted prior art.

The Examiner relies on Rosnow to teach:

1. establishing a date for a new product launch;
2. determining a period of years in advance of the date to complete the expatriate associate selection process for expatriate assignments applicable to the new product launch;
3. within the period of years performing the steps of:
  - a. determining specifications for a plurality of assignments;
  - b. arranging for the group of candidates to complete their assignments outside the country;

- c. arranging for the return of the group of candidates; and
- 4. launching the product after the period of years.

Applicant previously amended the claims to indicate more clearly that the claimed invention relates to expatriate assignments that are made in connection with timing for the launch of a new product. A date for launching a new product is established as well as a period of years in advance of the launch date for completing the selection process. These parameters may be determined according to the needs of the company and the type of product that is manufactured. In any case, a manufacturer may use historical data regarding the time that is typically required to launch a new product to set the parameters.

During the applicable period of years, an initial pool of eligible associates is created, a group of candidates is selected from the pool of eligible associates, assignment specifications are developed after the initial pool of eligible associates is created *and* the group of candidates is selected, and finally the candidates are matched to assignments according the specifications for each assignment. Once selected, they are prepared for their assignments, dispatched to their assignments, and returned from their assignments, all in advance of the product launch. Applicant respectfully submits the cited references do not disclose these elements of the claimed invention and cannot support rejection of the claims.

The Examiner relies on Rosnow to teach the elements of the claimed invention related to a new product launch date, determining a period of years in advance of the date to complete the associate selection process, and performing various selection steps within the period of years. Rosnow teaches project management and

establishing various timelines to complete a variety of tasks that ultimately result in the introduction of a product. Although Rosnow teaches timelines and deadlines, it is non-analogous prior art and none of the timelines or deadlines relate in any way to the selection of personnel for job positions or assignments. The reference discloses various team positions such as team leader, change agent, support personnel, etc. and further discloses that the personnel are selected to fill the positions prior to defining any tasks or establishing any timelines or deadlines related to the project. Applicant respectfully submits therefore, that the teachings in Rosnow cannot be construed to teach the claim elements of determining a period of years in advance of a product launch date to complete the associate selection process and performing the various selection steps within the period of years before the product launch.

Applicant further respectfully submits that the teachings of Rosnow related to project timelines or deadlines for any reason cannot be combined with Harvey and/or Mayer to render the claimed invention obvious. Harvey and Mayer are directed to filling vacant positions. In both references, the details of the position are defined first and a candidate selection process is initiated to fill the defined position. Because in Harvey and Mayer positions are filled only when they are determined to be vacant, it simply makes no sense to add any time parameters to the selection process as suggested by the Examiner. In any case, if time parameters are added to Harvey and/or Mayer selection processes, the selection processes would need to be altered in such a way that they are no longer used to fill vacancies as they arise. Alternatively, the timelines/deadlines would need to coincide with the vacancies, which is nearly impossible to achieve. Applicant respectfully submits the combination is simply

unworkable and therefore, Rosnow cannot be combined with Harvey and Mayer to render the claimed invention obvious.

**Conclusion**

Applicant respectfully submits the claims distinguish the present invention over the combination of the Harvey, Mayer, applicant admitted prior art, and Rosnow references. Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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